

**MINUTES  
BARBERING AND COSMETOLOGY EXAMINING BOARD  
MEETING  
MONDAY, AUGUST 5, 2002**

**PRESENT:** Bruce Bennett, Barbara Flaherty, Laura Jenkins, Karen Kraus, Leon Lauer and Lee Martinez

**EXCUSED:** Doug Klitzkie, Marville Martin and Denise Svetly

**STAFF PRESENT:** Mary Forseth, Bureau Director; Wayne Austin, Legal Counsel; Pam Haack, Paralegal; Gina York, Program Assistant; and other Division of Enforcement Staff for portions of the meeting

**GUESTS:** Rod Gottfredsen, Austin's Barber Shop, Beloit  
Barbara Schuler, Wisconsin Technical College System

**CALL TO ORDER**

Barbara Flaherty, Chair called the meeting to order at 9:40 a.m. A quorum of six members was present.

**ADOPTION OF AGENDA**

**Addendum to the Agenda:**

- Item 4 Administrative Report; under a. Add number "vii. 2003 Meeting Dates".
- Item 9 Legislative Update; make Clarification re: Externship Programs number b.
- Item 14a. Monitoring Report; Add iii. Anna Maas

**MOTION:** Leon Lauer moved, seconded by Lee Martinez, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES (6/3/2002)**

**MOTION:** Leon Lauer moved, seconded by Laura Jenkins, to approve the minutes of 6/3/02, as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**BOARD ROSTER**

The Board Roster was approved as written.

## **2002 MEETING DATES**

The 2002 meeting dates for the Board were reviewed and approved as published.

## **SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES**

Noted.

## **MONTHLY PRESS RELEASES – LIST OF DISCIPLINARY ORDERS**

Noted.

## **REGULATORY DIGEST DISCIPLINARY REPORTING**

Pamela Haack discussed with the Board disciplinary cases for the Regulatory Digest.

## **ADMINISTRATIVE RULES**

### **STATUS REPORT ON ADMINISTRATIVE RULE**

Wayne Austin reviewed s. 454.08, Stats., with the Board. There was a lengthy discussion and questions that the Board would like to address at the next meeting regarding manager presence on site in establishments.

### **CLEARINGHOUSE 02-058 REVIEW**

There was a lengthy discussion and Pamela Haack will proceed with the rest of the rulemaking process. The effective date will be November 1, 2002.

**MOTION:** Leon Lauer moved, seconded by Laura Jenkins, to approve the proposed rules as written. Motion carried unanimously.

### **MICRODERMABRASION REQUIREMENTS UNDER ADMINISTRATIVE RULE**

Barb Flaharty shared with the Board the latest information regarding microdermabrasion. There was a discussion regarding the types of machinery being used, who approves this equipment and if the individual is working under a physician. Further discussion and rule review will continue on this topic.

## **APPRENTICESHIP PROGRAM**

### **ADMINISTRATIVE PROCEDURES**

Ken Moore from BAS appeared before the Board to discuss the issue of training and hours requirements. There was a lengthy discussion concerning the administration of the apprenticeship program. Some areas of concerns were the tracking of apprenticeship completion rates, apprenticeship contracts and changing of salons, and giving credit to apprentices for what they have accomplished at each location. Also the Board discussed the fact that a manager may delegate responsibilities of apprentices but the manager is held accountable.

The Board would like to still pursue ways to provide barbering and cosmetology students a way to get them working sooner and the possibility of getting students through the education process, requiring fewer hours to speed up the process.

## **PRACTICE ISSUES**

### **REPORT FROM THE CONTINUING EDUCATION COMMITTEE**

Barbara Flaharty gave a report on the Continuing Education Committee meeting. There was a survey completed and the results are being looked at to address the grandfathering of licensees now and the future continuing education requirements.

## **EXAMINATIONS**

### **EXAM UPDATE**

Barbara Showers shared with the Board that there is a new testing vendor, Continental Testing Services (CTS), and the Department of Regulation and Licensing is working with them regarding the new scoring of practical examinations.

### **QUALIFICATION FOR BC EXAMINERS**

Darwin Tichenor addressed the Board regarding qualifications for barbering and cosmetology examiners. It was discussed at length and it was suggested to have the Board recommend names of instructors in barbering and cosmetology for the role of examiners. Also discussed was the materials regarding examiners guidelines and whether the examination should still be a practical exam. This topic will be discussed in future Board meetings.

## **LEGISLATIVE UPDATE**

### **REVIEW FEE FORMULA**

There was a discussion regarding the formula used regarding licensing fees. Wayne Austin shared with the Board that licensing fees are based on the costs to regulate the profession. Fees are also used to enforce the relevant laws.

The Board's designee to the Department of Regulation and Licensing Budget Advisory Committee is Barbara Flaharty who will follow up on this and other issues for the Board and provide feedback on the Committee's activities.

## **CLARIFICATION REGARDING EXTERNSHIP PROGRAM**

The Board discussed this issue at length, but took no action.

## **BOARD MEMBER ACTIVITY**

### **NIC REGION II MEETING, LICENSE FRAGMENTATION COMMITTEE, NEW ORLEANS, LA, HELD JUNE 1 AND 2, 2002**

Barb Flaherty, Chair, traveled to the NIC Region II meeting in New Orleans on June 1 and 2, 2002. Ms. Flaherty shared information on the new trends and upcoming topics related to the barbering and cosmetology industry.

## **DIVISION OF ENFORCEMENT**

### **APPOINT NEW SCREENING PANEL MEMBER**

The screening panel would like to have another Board member at such meetings. Laura Jenkins will be the new panel member.

## **LEGAL COUNSEL REVIEW**

The Board discussed the new rule regarding leased chairs and booths as well as related administrative rule revisions and the effective date for compliance.

## **NEW BUSINESS**

### **REGULATORY DIGEST ARTICLES**

For informational purposes.

### **MEETING DATES FOR 2003**

The Board reviewed and discussed the list of 2003 dates. The Board meetings will start at 9:30 a.m. The following meeting dates were chosen by the Board:

January 6 – Screening Only  
February 3 – Meeting and Screening  
March 3 – Screening Only  
April 7 – Meeting and Screening  
May 6 – Screening Only  
June 2 – Meeting and Screening

July 7 – Screening Only  
August 4 – Meeting and Screening  
September 8 – Screening Only  
October 6 – Meeting and Screening  
November 3 – Screening Only  
December 1 – Meeting and Screening

**MOTION:** Leon Lauer moved, seconded by Laura Jenkins, to approve the 2003 meeting dates as chosen by the Board. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS BY PROSECUTORS  
OR ANY THAT MAY BE SUBMITTED AFTER PRINTING OF  
AGENDA**

Proposed stipulations were discussed in closed session.

**CLOSED SESSION**

**MOTION:** Leon Lauer moved, seconded by Bruce Bennett, to convene to closed session to deliberate on cases involving hearings (s. 19.85 (11)(a), Stats.); to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.) The motion was approved by a roll call vote: Barbara Flaherty-yes; Lee Martinez-yes; Bruce Bennett-yes; Laura Jenkins-yes; Leon Lauer-yes; Karen Kraus-yes. Motion carried unanimously.

Open Session adjourned at 12:25p.m.

The Board deliberated on monitoring reports, proposed stipulations, case closings and case status reports.

**RECONVENE TO OPEN SESSION**

**MOTION:** Bruce Bennett moved, seconded by Lee Martinez, to reconvene into open session at 1:40 p.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED  
SESSION**

**MOTION:** Bruce Bennett moved, seconded by Lee Martinez, to accept all decisions and motions made in closed session. Motion carried unanimously.

**MONITORING REPORT**

**DANIEL KRUEGER**

**MOTION:** Leon Lauer moved, seconded by Karen Kraus, to grant an extension of time for forfeiture of \$1000.00 to be paid in thirty (30) days or license will be suspended in the matter of Daniel Krueger. Lee Martinez abstained. Laura Jenkins opposed. Motion carried.

### **WILLIAM UTSEY**

**MOTION:** Karen Kraus moved, seconded by Leon Lauer, to grant William Utsey an extension of time to obtain continuing education course completion by December 31, 2002. Motion carried unanimously

### **STIPULATIONS**

#### **LUU PHUNG NGUYEN**

**MOTION:** Leon Lauer, moved, seconded by Karen Kraus, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Luu Phung Nguyen d/b/a Super Nails (Brookfield): Case 01BAC065. Motion carried unanimously.

#### **TAM NGUYEN**

**MOTION:** Karen Kraus moved, seconded by Bruce Bennett, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Tam Nguyen d/b/a K-Nails (Sun Prairie): Case 00 BAC 078. Motion carried unanimously.

#### **JOSE SANCHEZ**

**MOTION:** Lee Martinez moved, seconded by Leon Lauer, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Jose Sanchez d/b/a Supreme Clientele Hair Studio (Milwaukee): Case 02 BAC 021. Motion carried unanimously.

### **CASE CLOSINGS AND CASE STATUS REPORT**

**MOTION:** Bruce Bennett moved, seconded by Lee Martinez, to accept the recommendations of Department staff on the following case closures, as discussed in closed session. Motion carried unanimously.

01 BAC 008 closed no violation, compliance gained.  
01 BAC 009 closed for no violation, compliance gained.  
01 BAC 098 closed for no violation, compliance gained.  
02 BAC 032 closed for no violation.  
02 BAC 053 closed for prosecutorial discretion, compliance gained.  
02 BAC 059 closed for insufficient evidence.

## **NEXT MEETING AGENDA ITEMS**

- Administration of practical and written exams and timing; who can administer.
- Statutes review.
- Regulatory Digest article regarding reuse of nail files.

## **ADJOURNMENT**

**MOTION:** Bruce Bennett moved, seconded by Lee Martinez, to adjourn the meeting at 1:45 p.m. Motion carried unanimously.

**Next Meeting: October 7, 2002**